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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,199	01/30/2004	David W. Wine	MVIS 98-10 C4	6115

7590 12/17/2004  
Intellectual Property Counsel  
Microvision, Inc.  
PO Box 3008  
Bothell, WA 98041

EXAMINER
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ASSAF, FAYEZ G

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/768,199

Applicant(s)

WINE ET AL.

Examiner

Fayez G. Assaf

Art Unit

2872

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-49 and 51-79 is/are rejected.
- 7) ☒ Claim(s) 50 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/30/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

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## DETAILED ACTION

### *Specification*

The Abstract is objected to because it exceeds 150 words.

Correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 40-47, 51-53 and 61-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (US 6,038,051).

Regarding claims 40-44, 64, 65 and 69, Suzuki discloses a beam scanner, comprising: a plurality of diodes operable to emit a plurality of respective beams of light; and at least one beam deflector aligned to receive the plurality of beams of light

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from the plurality of light sources and operable to scan the beams across respective overlapping regions of a field of view.

Regarding claims 45, 46, 52, 53, 66-68 and 70, Suzuki discloses the light sources are operable to vary the intensity of the plurality of beams to blend overlapping regions of the field of view (line 50 of Col. 27 to line 5 of Col. 28).

Regarding claims 47, Suzuki discloses the at least one beam deflector being a single beam deflector (1D of Fig. 32).

Regarding claims 51, Suzuki discloses the overlapping regions being substantially distinct and overlap slightly (Xa and Xb of Fig. 32).

Regarding claims 61-63, Suzuki discloses a detector (3D of Fig. 32) aligned to receive beam energy scattered from the field-of-view and output an electrical signal corresponding to the received energy; and a controller (4D of Fig. 32) coupled to receive the electrical signal from the detector and output a representation of the received beam energy.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48, 49, 54-60 and 71-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al.

Suzuki discloses the claimed invention except for:

The deflector including a Mems scanner.

The filed of view including an image plane of a display, retina, projection screen.

However, such features are well known in the prior art.

It would have been obvious, at the time the invention was made, to a person having ordinary skill in the art to adapt the scanner of Suzuki in other optical devices and use a Mems device rather than a Polygon mirror because it is smaller, compact and uses less power.

#### ***Allowable Subject Matter***

Claim 50 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claim 50 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest the overlapping regions of the field of view being arranged such that each region extends horizontally across substantially the entire field of view and overlaps with at least one vertically adjacent regions as set forth in the claimed combination.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hori et al. (US 2002/0163702 A1)

Nakamura et al. (US 2001/0024326 A1)

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fayez G. Assaf whose telephone number is (571) 272-2307. The examiner can normally be reached on 8-5 M-F.

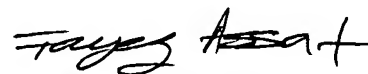
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FA

12/12/2004

  
FAYEZ G. ASSAF  
PRIMARY EXAMINER